

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:09-CR-28

v.

HON. ROBERT HOLMES BELL

AARON KENNETH ANDERSON,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #39). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on March 26, 2010, to 48 months custody after pleading guilty to Conspiracy to Distribute and to Possess with Intent to Distribute 100 Grams or More of Heroin in violation of 21 U.S.C. §§846, 841(a)(1) and (b)(1)(B)(i).

At the time of sentencing on March 26, 2010, defendant's total offense level was 23 and criminal history category was I. Because the amended guideline calculation does not change and consequently does not result in a lower guideline range, defendant's motion is respectfully **DENIED**.

Date: October 3, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE